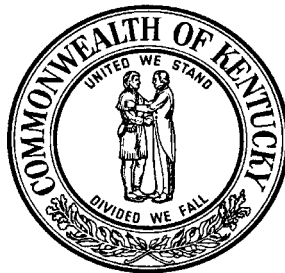


**REPORT OF THE AUDIT OF THE
POWELL COUNTY
CLERK**

**For The Year Ended
December 31, 2005**



**CRIT LUALLEN
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EXECUTIVE SUMMARY

AUDIT EXAMINATION OF THE POWELL COUNTY CLERK

**For The Year Ended
December 31, 2005**

The Auditor of Public Accounts has completed the Powell County Clerk's audit for the year ended December 31, 2005. Based upon the audit work performed, the financial statement presents fairly in all material respects, the revenues, expenditures, and excess fees in conformity with the regulatory basis of accounting.

Financial Condition:

Excess fees decreased by \$1,130 from the prior year, resulting in excess fees of \$37 as of December 31, 2005. Revenues increased by \$22,384 from the prior year and expenditures increased by \$23,514.

Debt Obligations:

Capital lease principal agreements totaled \$23,376 as of December 31, 2005. Future principal and interest payments of \$23,376 are needed to meet these obligations.

Report Comments:

- The County Clerk Should Submit Quarterly Reports To The Governor's Office For Local Development Timely
- The County Clerk Should Present Her Settlement To The Fiscal Court By March 15
- The County Clerk's Office Lacks Adequate Segregation Of Duties

Deposits:

The County Clerk's deposits were not fully insured and collateralized by bank securities or bonds.

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CRIT LUALLEN
AUDITOR OF PUBLIC ACCOUNTS

The Honorable Bobby Drake, Powell County Judge/Executive
Honorable Rhonda Barnett, Powell County Clerk
Members of the Powell County Fiscal Court

Independent Auditor's Report

We have audited the accompanying statement of revenues, expenditures, and excess fees - regulatory basis of the County Clerk of Powell County, Kentucky, for the year ended December 31, 2005. This financial statement is the responsibility of the County Clerk. Our responsibility is to express an opinion on this financial statement based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America, the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States, and the Audit Guide for County Fee Officials issued by the Auditor of Public Accounts, Commonwealth of Kentucky. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statement is free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statement. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

As described in Note 1, the County Clerk's office prepares the financial statement on a regulatory basis of accounting that demonstrates compliance with the laws of Kentucky, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America.

In our opinion, the financial statement referred to above presents fairly, in all material respects, the revenues, expenditures, and excess fees of the County Clerk for the year ended December 31, 2005, in conformity with the regulatory basis of accounting described in Note 1.

In accordance with Government Auditing Standards, we have also issued our report dated May 24, 2006, on our consideration of the County Clerk's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with Government Auditing Standards and should be considered in assessing the results of our audit.



The Honorable Bobby Drake, Powell County Judge/Executive
Honorable Rhonda Barnett, Powell County Clerk
Members of the Powell County Fiscal Court

Based on the results of our audit, we have presented the accompanying comments and recommendations, included herein, which discuss the following report comments:

- The County Clerk Should Submit Quarterly Reports To The Governor's Office For Local Development Timely
- The County Clerk Should Present Her Settlement To The Fiscal Court By March 15
- The County Clerk's Office Lacks Adequate Segregation Of Duties

This report is intended solely for the information and use of the County Clerk and Fiscal Court of Powell County, Kentucky, and the Commonwealth of Kentucky and is not intended to be and should not be used by anyone other than these specified parties.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Crit Luallen", with a long horizontal flourish extending to the right.

Crit Luallen
Auditor of Public Accounts

Audit fieldwork completed -
May 24, 2006

POWELL COUNTY
RHONDA BARNETT, COUNTY CLERK
STATEMENT OF REVENUES, EXPENDITURES, AND EXCESS FEES - REGULATORY BASIS

For The Year Ended December 31, 2005

Revenues

State Fees For Services	\$	2,263
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Fiscal Court		8,000
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Licenses and Taxes:

Motor Vehicle-

Licenses and Transfers	\$ 350,948	
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Usage Tax	619,342	
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Tangible Personal Property Tax	794,576	
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Other-

Fish and Game Licenses	15,430	
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Marriage Licenses	4,382	
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Deed Transfer Tax	24,337	
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Delinquent Tax	117,313	1,926,328
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Fees Collected for Services:

Recordings-

Deeds, Easements, and Contracts	10,021	
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Real Estate Mortgages	17,701	
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Chattel Mortgages and Financing Statements	48,303	
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Powers of Attorney	913	
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All Other Recordings	19,767	
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Charges for Other Services-

Candidate Filing Fees	7,578	
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Copywork	1,188	105,471
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Other:

Notary Fees	3,516	
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Miscellaneous	1,134	4,650
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Interest Earned		1,687
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Total Revenues		2,048,399
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The accompanying notes are an integral part of this financial statement.

POWELL COUNTY
 RHONDA BARNETT, COUNTY CLERK
 STATEMENT OF REVENUES, EXPENDITURES, AND EXCESS FEES - REGULATORY BASIS
 For The Year Ended December 31, 2005
 (Continued)

Expenditures

Payments to State:

Motor Vehicle-

Licenses and Transfers	\$	274,898	
Usage Tax		600,610	
Tangible Personal Property Tax		306,376	
Licenses, Taxes, and Fees-			
Fish and Game Licenses		14,720	
Delinquent Tax		17,341	
Legal Process Tax		12,260	\$ 1,226,205

Payments to Fiscal Court:

Tangible Personal Property Tax	75,140	
Delinquent Tax	15,724	
Deed Transfer Tax	24,523	115,387

Payments to Other Districts:

Tangible Personal Property Tax	380,715	
Delinquent Tax	54,698	435,413

Payments to Sheriff 1,358

Payments to County Attorney 16,716

Operating Expenditures and Capital Outlay:

Personnel Services-	
Deputies' Salaries	90,596
Employee Benefits-	
Employer's Share Social Security	11,737
Employer's Share Retirement	15,333
Employer's Paid Health Insurance	19,943
Contracted Services-	
Advertising	1,264
Materials and Supplies-	
Office Supplies	18,389

The accompanying notes are an integral part of this financial statement.

POWELL COUNTY
 RHONDA BARNETT, COUNTY CLERK
 STATEMENT OF REVENUES, EXPENDITURES, AND EXCESS FEES - REGULATORY BASIS
 For The Year Ended December 31, 2005
 (Continued)

Expenditures (Continued)

Operating Expenditures and Capital Outlay: (Continued)

Other Charges-

Conventions and Travel	\$	3,629	
Dues		400	
Postage		4,445	
Maintenance Agreement		5,790	
Refunds		<u>2,084</u>	\$ 173,610

Debt Service:

Lease Purchases		<u>8,204</u>	
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Total Expenditures			<u>\$ 1,976,893</u>
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Net Revenues			71,506
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Less: Statutory Maximum			<u>65,474</u>
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Excess Fees			6,032
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Less: Expense Allowance		3,600	
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Training Incentive Benefit		<u>2,395</u>	<u>5,995</u>
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Excess Fees Due County for 2005			37
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Payment to Fiscal Court - March 14, 2006			<u>37</u>
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Balance Due Fiscal Court at Completion of Audit			<u><u>\$ 0</u></u>
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The accompanying notes are an integral part of this financial statement.

POWELL COUNTY
NOTES TO FINANCIAL STATEMENT

December 31, 2005

Note 1. Summary of Significant Accounting Policies

A. Fund Accounting

A fee official uses a fund to report on the results of operations. A fund is a separate accounting entity with a self-balancing set of accounts. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities.

A fee official uses a fund for fees to account for activities for which the government desires periodic determination of the excess of revenues over expenditures to facilitate management control, accountability, and compliance with laws.

B. Basis of Accounting

KRS 64.820 directs the fiscal court to collect any amount, including excess fees, due from the County Clerk as determined by the audit. KRS 64.152 requires the County Clerk to settle excess fees with the fiscal court by March 15 each year.

The financial statement has been prepared on a regulatory basis of accounting, which demonstrates compliance with the laws of Kentucky and is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America. Under this regulatory basis of accounting, revenues and expenditures are generally recognized when cash is received or disbursed with the exception of accrual of the following items (not all-inclusive), at December 31, that may be included in the excess fees calculation:

- Interest receivable
- Collection on accounts due from others for 2005 services
- Reimbursements for 2005 activities
- Payments due other governmental entities for December tax and fee collections and payroll
- Payments due vendors for goods or services provided in 2005

The measurement focus of a fee official is upon excess fees. Remittance of excess fees is due to the County Treasurer in the subsequent year.

C. Cash and Investments

At the direction of the fiscal court, KRS 66.480 authorizes the County Clerk's office to invest in the following, including but not limited to, obligations of the United States and of its agencies and instrumentalities, obligations and contracts for future delivery or purchase of obligations backed by the full faith and credit of the United States, obligations of any corporation of the United States government, bonds or certificates of indebtedness of this state, and certificates of deposit issued by or other interest-bearing accounts of any bank or savings and loan institution which are insured by the Federal Deposit Insurance Corporation (FDIC) or which are collateralized, to the extent uninsured, by any obligation permitted by KRS 41.240(4).

POWELL COUNTY
NOTES TO FINANCIAL STATEMENT
December 31, 2005

Note 2. Employee Retirement System

The county officials and employees have elected to participate in the County Employees Retirement System (CERS), pursuant to KRS 78.530 administered by the Board of Trustees of the Kentucky Retirement Systems. This is a cost-sharing, multiple-employer, defined benefit pension plan that covers all eligible full-time employees and provides for retirement, disability, and death benefits to plan members.

Benefit contributions and provisions are established by statute. Nonhazardous covered employees are required to contribute 5.0 percent of their salary to the plan. The county's contribution rate for nonhazardous employees was 8.48 percent for the first six months and 10.98 percent for the last six months of the year.

Benefits fully vest on reaching five years of service for nonhazardous employees. Aspects of benefits for nonhazardous employees include retirement after 27 years of service or age 65.

Historical trend information pertaining to CERS' progress in accumulating sufficient assets to pay benefits when due is presented in the Kentucky Retirement Systems' annual financial report which is a matter of public record. This report may be obtained by writing the Kentucky Retirement Systems, 1260 Louisville Road, Frankfort, Kentucky 40601-6124, or by telephone at (502) 564-4646.

Note 3. Deposits

The County Clerk maintained deposits of public funds with depository institutions insured by the Federal Deposit Insurance Corporation (FDIC) as required by KRS 66.480(1)(d). According to KRS 41.240(4), the depository institution should pledge or provide sufficient collateral which, together with FDIC insurance, equals or exceeds the amount of public funds on deposit at all times. In order to be valid against the FDIC in the event of failure or insolvency of the depository institution, this pledge or provision of collateral should be evidenced by an agreement between the County Clerk and the depository institution, signed by both parties, that is (a) in writing, (b) approved by the board of directors of the depository institution or its loan committee, which approval must be reflected in the minutes of the board or committee, and (c) an official record of the depository institution.

Custodial Credit Risk - Deposits

Custodial credit risk is the risk that in the event of a depository institution failure, the County Clerk's deposits may not be returned. The County Clerk does not have a deposit policy for custodial credit risk but rather follows the requirements of KRS 41.240(4). As of December 31, 2005, all deposits were covered by FDIC insurance or a properly executed collateral security agreement. However, as of April 12, 2005, \$25,124 of public funds were exposed to custodial credit risk as follows:

- Uninsured and Unsecured - \$25,124

POWELL COUNTY
NOTES TO FINANCIAL STATEMENT
December 31, 2005

Note 4. Lease

The office of the County Clerk was committed to a lease agreement with Xerox for two copiers. The agreement requires a monthly payment of \$487 for 60 months to be completed in 2009. The total balance of the agreement was \$23,376 as of December 31, 2005.

Note 5. Related Party Transaction

The County Clerk purchased supplies from Allen's Hardware for \$60 for 2005. The County Clerk's brother is the owner of Allen's Hardware.

COMMENTS AND RECOMMENDATIONS

POWELL COUNTY
RHONDA BARNETT, COUNTY CLERK
COMMENTS AND RECOMMENDATIONS

For The Year Ended December 31, 2005

STATE LAWS AND REGULATIONS:

The County Clerk Should Submit Quarterly Reports To The Governor's Office For Local Development Timely

The County Clerk is not submitting her quarterly report to the Governor's Office for Local Development (GOLD) timely. GOLD requires quarterly reports be submitted by the end of the month following the end of the quarter. We recommend the Clerk comply with GOLD requirements.

County Clerk's Response:

I am correcting this now.

The County Clerk Should Present Her Settlement To The Fiscal Court By March 15

The County Clerk did not present her settlement to the fiscal court. KRS 64.152 requires the Clerk to provide a statement of revenues and expenditures of the preceding calendar year and to settle excess fees with fiscal court by March 15. We recommend the Clerk comply with KRS 64.152 and present her settlement to the fiscal court by March 15.

County Clerk's Response:

I was at the meeting, however, I had to go to another democratic meeting to speak and had to leave before we had time to go over my budget and year-end settlement.

INTERNAL CONTROL - REPORTABLE CONDITION:

The County Clerk's Office Lacks Adequate Segregation Of Duties

The County Clerk's office has a lack of segregation of duties. Due to the entity's diversity of official operations, small size and budget restrictions the official has limited options for establishing an adequate segregation of duties. We recommend that the following compensating controls be implemented to offset this internal control weakness:

- The Clerk should periodically compare a daily bank deposit to the daily checkout sheet and then compare the daily checkout sheet to the receipts ledger. Any differences should be reconciled. She could document this by initialing the bank deposit, daily checkout sheet, and receipts ledger.
- The Clerk should compare the quarterly financial report to receipts and disbursements ledgers for accuracy. The Clerk should also compare the salaries listed on the quarterly report to the individual earning records. Any differences should be reconciled. The Clerk could document this by initialing the quarterly financial report.

POWELL COUNTY
RHONDA BARNETT, COUNTY CLERK
COMMENTS AND RECOMMENDATIONS
For The Year Ended December 31, 2005
(Continued)

INTERNAL CONTROL - REPORTABLE CONDITION: (Continued)

The County Clerk's Office Lacks Adequate Segregation Of Duties (Continued)

- The Clerk should periodically compare invoices to payments. The Clerk could document this by initialing the invoices.
- The Clerk should periodically compare the bank reconciliation to the balance in the checkbook. Any differences should be reconciled. The Clerk could document this by initialing the bank reconciliation and the balance in the checkbook.

County Clerk's Response:

OK

INTERNAL CONTROL - MATERIAL WEAKNESSES:

None.

PRIOR YEAR:

Lacks Adequate Segregation Of Duties

This has not been corrected and is repeated in the current year.

REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND
ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF THE FINANCIAL
STATEMENT PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS



C R I T L U A L L E N
A U D I T O R O F P U B L I C A C C O U N T S

The Honorable Bobby Drake, Powell County Judge/Executive
Honorable Rhonda Barnett, Powell County Clerk
Members of the Powell County Fiscal Court

Report On Internal Control Over Financial Reporting And
On Compliance And Other Matters Based On An Audit Of The Financial
Statement Performed In Accordance With Government Auditing Standards

We have audited the statement of revenues, expenditures, and excess fees - regulatory basis of the Powell County Clerk for the year ended December 31, 2005, and have issued our report thereon dated May 24, 2006. The County Clerk's financial statement is prepared in accordance with a basis of accounting other than generally accepted accounting principles. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the Powell County Clerk's internal control over financial reporting in order to determine our auditing procedures for the purpose of expressing our opinion on the financial statement and not to provide an opinion on the internal control over financial reporting. However, we noted a certain matter involving the internal control over financial reporting and its operation that we consider to be a reportable condition. Reportable conditions involve matters coming to our attention relating to significant deficiencies in the design or operation of the internal control over financial reporting that, in our judgment, could adversely affect the entity's ability to record, process, summarize, and report financial data consistent with the assertions of management in the financial statement. The reportable condition is described in the accompanying comments and recommendations.

- The County Clerk's Office Lacks Adequate Segregation Of Duties

A material weakness is a reportable condition in which the design or operation of one or more of the internal control components does not reduce to a relatively low level the risk that misstatements caused by error or fraud in amounts that would be material in relation to the financial statement being audited may occur and not be detected within a timely period by employees in the normal course of performing their assigned functions. Our consideration of the internal control over financial reporting would not necessarily disclose all matters in the internal control that might be reportable conditions and, accordingly, would not necessarily disclose all reportable conditions that are also considered to be material weaknesses. However, we do not believe that the reportable condition described above is a material weakness.



Report On Internal Control Over Financial Reporting And
On Compliance And Other Matters Based On An Audit Of The Financial
Statement Performed In Accordance With Government Auditing Standards
(Continued)

Compliance And Other Matters

As part of obtaining reasonable assurance about whether the Powell County Clerk's financial statement for the year ended December 31, 2005, is free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed instances of noncompliance or other matters that are required to be reported under Government Auditing Standards and which are described in the accompanying comments and recommendations.

- The County Clerk Should Submit Quarterly Reports To The Governor's Office For Local Development Timely
- The County Clerk Should Present Her Settlement To The Fiscal Court By March 15

This report is intended solely for the information and use of management and the Kentucky Governor's Office for Local Development and is not intended to be and should not be used by anyone other than these specified parties.

Respectfully submitted,



Crit Luallen
Auditor of Public Accounts

Audit fieldwork completed -
May 24, 2006

